



REPLY TO  
ATTENTION OF

**DEPARTMENT OF THE ARMY**  
**HEADQUARTERS, 21ST THEATER SUPPORT COMMAND**  
**UNIT 23203**  
**APO AE 09263**

AERPE-P-OS

14 MAY 2004

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: 21st Theater Support Command Policy Letter 26, Prevention of Sexual Misconduct

1. References:

- a. AR 600-20, Army Command Policy, 13 May 2002.
- b. Assistant Secretary of the Army and Chief of Staff, Army Policy on Sexual Assault, 7 April 2004.
- c. USAREUR Policy Letter 29, Prevention of Sexual Harassment, 4 May 2003.
- d. Bell Sends #14-04, Sexual Assault Prevention, 19 March 2004.
- e. 21st Theater Support Command Policy Letter 3, Equal Opportunity/Sexual Harassment Complaint Processing Procedures, 15 September 2003.
- f. AR 27-10, Military Justice.

2. Rape, forcible sodomy, and other forms of sexual assault are crimes under the Uniform Code of Military Justice. These offenses have devastating effects on victims and grave impacts upon good order and discipline of units. Such conduct has no place within the Army. The law regarding these acts does not change during deployments - they are crimes whenever and wherever committed. Commanders must enforce their lawful obligations and Soldiers must abide by lawful rules in all environments. Every reported incident of sexual misconduct must be treated seriously. Commanders must ensure prompt, thorough, and professional investigations of all allegations. Alleged victims will be cared for and their rights will be respected, as will the suspect's Constitutional right to due process of law. Commanders will permit no one, whether a victim or a suspect, to be pre-judged, abused, or singled out for harassment or unlawful punishment in any form. Every person involved will be treated fairly.

3. The command sexual misconduct prevention campaign will be conducted in three phases: the prevention phase, crisis phase, and recovery phase.

- a. Prevention Phase. The prevention phase focuses on training all personnel about sexual misconduct issues and their inherent responsibilities. This is a continuous phase which will happen in standard training cycles and during predeployment and reintegration training.

b. Crisis Phase. The crisis phase begins with the notification of sexual misconduct. Care and support will come from numerous supporting agencies, to include military police, unit chain of command, chaplain, EO representative, judge advocate personnel, and local medical treatment facilities.

c. Recovery Phase. The final phase is the recovery phase. This phase begins once the victim's immediate health concerns have been addressed and the victim has met with a victim advocate. This phase will last as long as it is determined the victim requires care.

4. In accordance with AR 27-10 and The Victim's Rights Restitution Act of 1990, the victim and witnesses are provided protection and assistance in the event of an incident. I want victims to know that they have the following rights.

- a. The right to be treated with fairness, dignity, and a respect for privacy.
- b. The right to immediate and effective medical care and attention, to include long-term follow-up, to the extent authorized by law.
- c. The right to be reasonably protected from the accused offender.
- d. The right to be notified of court proceedings.
- e. The right to be present at all public court proceedings related to the offense, unless the court determines otherwise.
- f. The right to confer with the attorney for the Government in the case.
- g. The right to restitution, if appropriate.
- h. The right to receive information regarding conviction, sentencing, imprisonment, and release of the offender from custody.

5. It is critical that each allegation of sexual misconduct be taken seriously and investigated promptly. Individuals who have been sexually assaulted should report it immediately to the commander, provost marshal, or chaplain. Commanders will ensure that individuals who have been assaulted or feel they are being sexually harassed are permitted to file complaints without fear of intimidation, harassment, or reprisal.

AERPE-P-OS

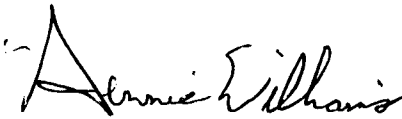
SUBJECT: 21st Theater Support Command Policy Letter 26, Prevention of Sexual Misconduct

6. Prevention of sexual misconduct is everyone's responsibility. Leaders at every level must be committed to creating and maintaining an environment that promotes productivity and respect for human dignity. Again, sexual misconduct has no place in our Army. Through this campaign, we will continue to provide a healthy environment for Soldiers and civilians, alike.

7. For further information or training on prevention of sexual misconduct, contact the ACofS, G-1, 484-7328. Commanders and other leaders must consult with the Military Justice Section, OSJA, 21st TSC, 484-8311, when planning and conducting training. For information on victim-witness assistance services, please contact MSG Angela Moore, OSJA, 21st TSC, 483-8102.

8. FIRST IN SUPPORT!

Encl  
Trends, Facts, and Critical Tasks,  
28 Apr 04

  
BENNIE E. WILLIAMS  
Major General, USA  
Commanding

## Trends, Facts and Critical Tasks Enclosure, Sexual Misconduct

### **Trends and Facts.**

Sexual assault is the second most-reported felony in the Army in Europe. Common factors in cases of sexual assault include:

- Young Soldiers (private through specialist) are the most likely victims and perpetrators
- 76 percent of sexual assaults (including rape) occur in unlocked barracks or Government quarters
- 74 percent of sexual assaults (including rape) involve alcohol
- 50 percent of the rape victims know the alleged offender
- Most sexual assaults occur between 0100 and 0500 on Fridays and Saturdays

### **Critical Tasks.**

The following 21st Theater Support Command primary staff, special staff principals and commanders at all levels will ensure that the following critical tasks are performed in support of this prevention campaign:

- (G-1) Staff proponent for Sexual Misconduct Campaign
- (G-1) Develop and maintain a 21st Theater Support Command Sexual Misconduct Website
- (G-1) Develop Sexual Misconduct Awareness Training Brief designed to support the education of Soldiers, family members and civilians
- (PAO) Prepare a new and updated command information and public affairs program that articulates USAREUR and 21st Theater Support Command approaches and ensures both our male and female Soldiers are equipped with the full range of understanding of this issue
- (PAO) Assist USAREUR PAO, in coordination with VISE Media, to update the Sexual Misconduct Awareness Training video
- (SJA) Provide Victim/Witness liaisons to the Victims Advocates capable of addressing the current status of ongoing legal action related to sexual assaults
- (SJA/Military Justice Division) In coordination with CID, instruct commanders on how to identify "high-risk" Soldiers, both victims and perpetrators
- (SJA/Military Justice Division) Develop and coordinate a Commander's Battle Drill for a sexual misconduct incident
- (All MSCs/TSB) Conduct mandatory Prevention of Sexual Harassment training, as prescribed by AR 600-20, Army Command Policy, utilizing the interactive USAREUR Equal Opportunity Sexual Harassment Workbook
- (All MSCs/TSB) Develop plans as necessary to implement requirements identified in this campaign plan